

**Subdivision Regulations
of the City of
Blue Ridge, Georgia**

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Article 1
General Provisions

1.1 Short Title. All regulations contained in this Ordinance shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Blue Ridge, Georgia.

1.2 Authority and Purpose.

a. Authority. This Ordinance is adopted pursuant to the authority delegated to the city of Blue Ridge, Fannin County under Article IX, Section II of the Georgia Constitution, as amended, the Georgia Coordinated Planning Act of 1989, as amended, home rule powers, and state administrative rules for the adoption and implementation of Comprehensive Plans.

b. Purpose. This Ordinance is enacted for the following purposes:

1. To encourage economically sound and stable land development and to further the orderly development of land;
2. To assure the provision of required streets, utilities, and other facilities and services to land developments;
3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian in land developments;
4. To assure the provision of needed public open space and building sites in land developments through the dedication or reservation of land for recreational, educational and other public purposes;
5. To prevent the pollution of air, land, streams, and ponds, as well as encourage the wise use and management of natural resources throughout the city, and preserve the topography and beauty of the community and the value of land;
6. To assist the general public, who generally lacks the specialized knowledge needed to evaluate subdivision improvements and design; and,
7. To promote the goals, objectives, policies, and the Future Land Use Map of the adopted comprehensive plan, entitled, *2025 Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, and Morganton.*

1.3 Jurisdiction.

- a.** The provisions in this Ordinance shall be applicable in the incorporated areas of the city of Blue Ridge, Georgia.
- b.** When necessary to further its purposes, this Ordinance may be amended by the Mayor and Council of Blue Ridge. Amendment of this Ordinance shall follow the same procedure as followed by the city in amending or adopting other city ordinances.

- 1.4 Use of Plat.** After the adoption of this ordinance, the transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the Planning Officer and recorded in the office of the Clerk of the Superior Court of Fannin County is prohibited; and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties. Valid pre-existing lots, described by deed or plat, or both, and being lots of record, and created prior to the adoption of this ordinance, shall not be affected by this ordinance unless said lot or lots are modified or further subdivided.
- 1.5 Planning Authority.** By authority of the Mayor and Council of the City of Blue Ridge, the Mayor and Council does hereby delegate administrative power to the Blue Ridge Municipal Planning Commission to exercise the administrative power and authority to review, approve, and disapprove preliminary plats for major subdivisions of land, and to grant variances from the requirements of this ordinance, but subject to a right of appeal by the property owner and/or subdivider from these decisions to the City Council of the City of Blue Ridge, Georgia, in accordance with Article 7 of this ordinance. The Planning Officer shall exercise the power and authority to review and approve final plats for both major and minor subdivisions as set forth in this ordinance, but again subject to a right of appeal by the property owner and/or applicant from this decision to the City Council of the City of Blue Ridge, Georgia pursuant to the appeal procedure contained in Article 7 of this ordinance.
- 1.6 Fees.** Permit, application, and/or fees shall be adopted by resolution in a public meeting of the City Council, from time to time by the Mayor and Council of Blue Ridge.
- 1.7 Enforcement and Penalties.** The Planning Officer shall be the general administrative and enforcement officer of this Ordinance. Pursuant to Section 5.13(c) of the Blue Ridge City Charter, any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of an offense and, upon conviction thereof, shall be punished by fine not to exceed \$500, or by imprisonment in the County Jail for not more than ninety (90) days, or both.

Each day's continuance of a violation shall be considered a separate offense. The owner of any land or parts thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any person who may have assisted the commission of any such violation, shall be guilty of a separate offense. The Municipal Court of the City of Blue Ridge shall have jurisdiction on any offense charged under this paragraph.

In any case in which any land is, or is proposed to be, used in violation of this Ordinance or any amendment thereto adopted by the Mayor and Council of Blue Ridge, the Mayor and Council or any owner of adjacent real estate may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or actions (e.g. withholding of utilities by the City of Blue Ridge or any other utility provider upon notice of violation of the ordinance given by the City of Blue Ridge), or proceeding to prevent, to enjoin or abate such unlawful use.

1.8 Interpretation, Conflict and Severability.

- a.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
- b.** Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- c.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or void, the validity of the remaining portions of these regulations shall not be affected thereby. The intent of the Mayor and Council in adopting this Ordinance is that no portion hereof or provision of the regulations contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase of provisions of this Ordinance.

Article 2 Definitions

- 2.1 Purpose.** For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not discretionary; the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". Words, terms and phrases not specifically defined herein, shall have their common meaning (in the context in which they are used) in accordance with the most recent edition of Webster's English Dictionary.
- 2.2 Definitions.** The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them as provided hereinabove:

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake. (See figure 2-1.)

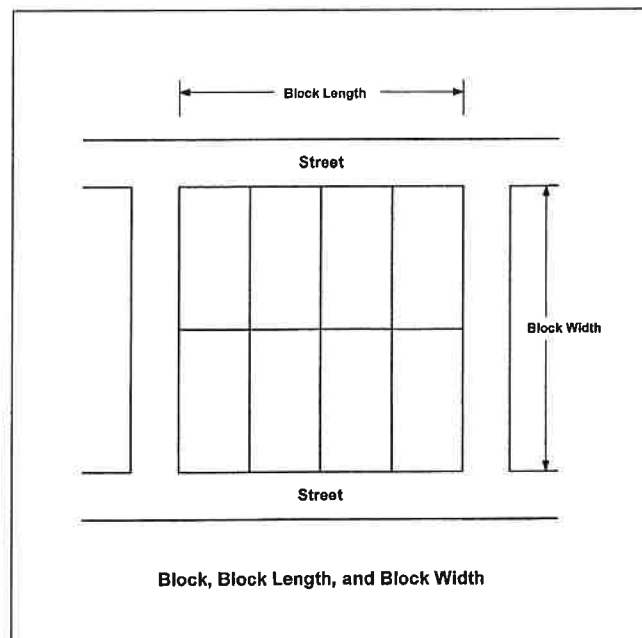
Bond. A legal instrument with a clause which establishes a sum of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of penalty may be avoided by the performance of certain acts.

Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Common Elements. Any portion of a development, which is held in common by owners of the development.

Comprehensive Plan. Any plan adopted by the Mayor and City Council of the City of Blue Ridge, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or

Figure 2-1



written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan (if formally adopted by the local governing body) as provided by the Georgia Coordinated Planning Act of 1989.

Conservation Areas, Primary. Property qualifying as a conservation use property is located outside of building envelopes and lots established for building purposes and includes: 1) steep mountain slopes containing at least 5,000 square feet of contiguous area with forty-five (45) percent slope or greater; 2) land within the 100-year floodplain; 3) wetlands; 4) water bodies larger than 5,000 square feet; 5) riparian zones at least seventy-five (75) feet wide along both sides of all perennial and intermittent streams; and 6) populations of endangered or threatened species or habitat for such species.

Conservation Areas, Secondary. Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and land containing scenic views and sites, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation Design Subdivision. A subdivision where open space is the central organizing element of the subdivision design, with all primary and all or some of the secondary conservation areas within the boundaries of the subdivision identified and permanently protected.

Conservation Easement. A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the city attorney, and recorded in the office of the Clerk of Superior Court of Fannin County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Mayor and Council of Blue Ridge and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the expressed written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tracts or lot's special resources from negative changes.

Crosswalk. A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Design Standards. The design specifications for the preparation of plats, both preliminary and final, indicating, among other things, the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

Easements. A grant by a property owner for the use of a strip of land by an individual, company or agency for a specified purpose. (See Figure 2-2.)

Erosion and Sedimentation Control Plan. A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Such a plan is completed pursuant to the City of Blue Ridge Soil Erosion and Sedimentation Control Ordinance.

Escrow. A legal agreement between the developer and the city of Blue Ridge or the appropriate agency or utility in lieu of actual performance and intended to assure performance.

Filling. The placement of any soil or other solid material either organic or inorganic on a natural ground surface or an excavation.

Finished Grade. The final grade or elevation of the ground surface forming the proposed design.

Flood. An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

Governing Authority. The Mayor and Council of the city of Blue Ridge, Georgia.

Grading. Altering surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, and stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Health Inspector. The legally designated County Health Sanitarian of the Fannin County Health Department, or his authorized representative.

Homeowner's Association. An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other sewage treatment device, other than a public treatment system, approved by the Fannin County Public Health Department.

Issuing Authority. The governing authority of the city of Blue Ridge which has been certified by the Director or the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.

Figure 2-2

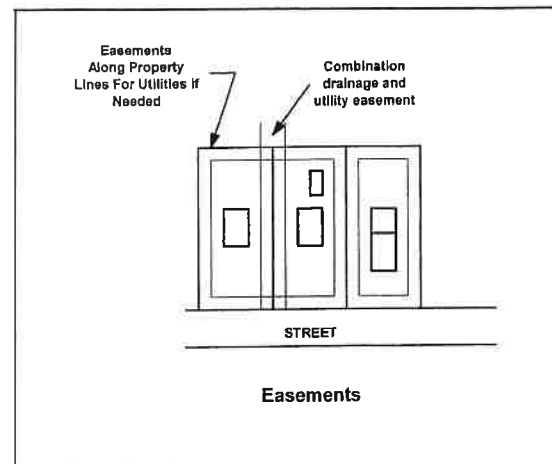
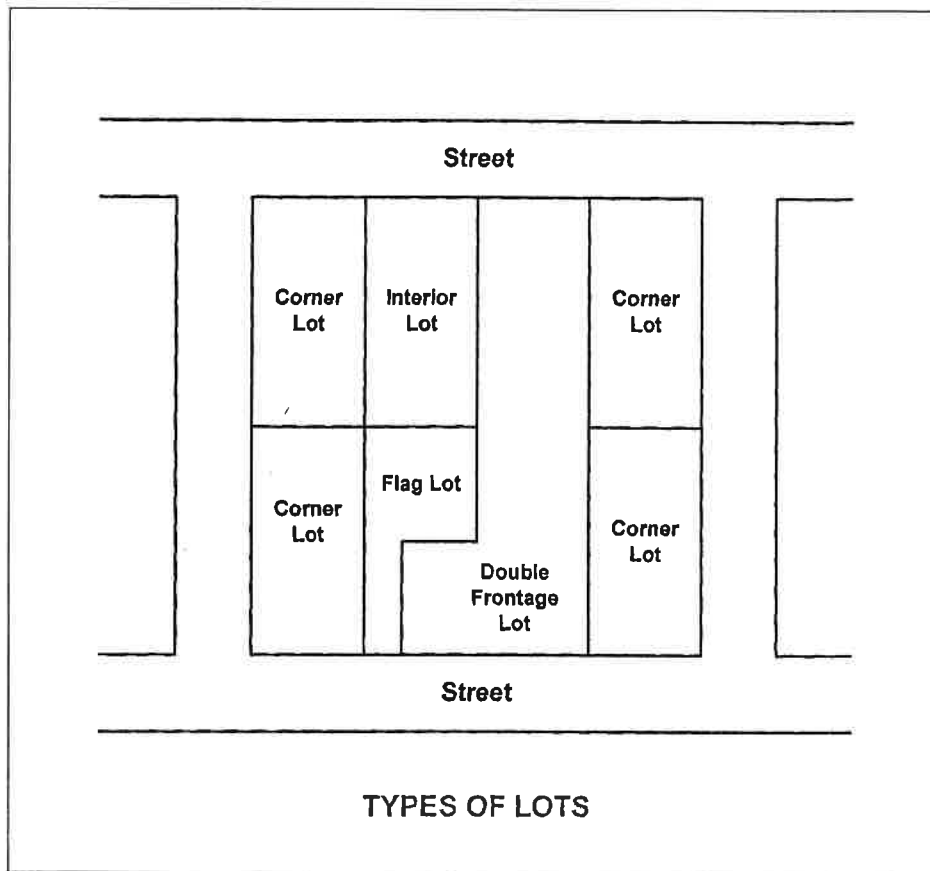


Figure 2-3



Land-Disturbing Activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into State water or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land. (Notice: Call before you dig. Georgia Underground Protection Center (GA 1-Call)).

Lot. A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot Area. The total surface area of land included within lot lines.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection.

Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries. On corner lots, lot depth is measured from the street frontage with the shortest dimension.

Lot, Double Frontage. A lot other than a corner lot abutting two streets.

Lot, Through. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street.

Lot, Interior. A lot other than a corner lot.

Lot Lines. The boundary dividing a given lot from the street, an alley, or adjacent lots.

Lot of Record. A lot which is part of a subdivision recorded in the Fannin County Superior Court Clerk's Office, or a lot described by metes and bounds, the description of which has been recorded in the Fannin County Superior Court Clerk's Office prior to the date of passage of this Ordinance.

Lot Width. The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Lot Width, curvilinear frontage. For a lot having the majority of its frontage on a circular turnaround or curved street, the lot width shall be the distance between the side lines of the lot, measured as if tangent at the midpoint of the arc of the front property line and parallel to the chord of the arc, where the minimum required distance is obtained. The lot width line is synonymous with the front building line in this example.

Natural Ground Surface. The ground surface in its original state before any grading, excavation or filling takes place.

Owner(s) of Record. The owner(s) of property as specified on the deed of the lot of record.

Percentage of Grade. On street center line, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

Planning Commission. The Blue Ridge Municipal Planning Commission.

Planning Officer. Appointee of the mayor and Council of Blue Ridge responsible for executing the administrative tasks identified in this Ordinance, and for the functions herein enumerated.

Plat.

1. **Preliminary.** A detailed drawing or map of a proposed subdivision submitted to the Planning Commission for review (and subject to the right of appeal contained within Article 7 of this ordinance) in order to determine that said preliminary plat meets the requirements herein enumerated and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.
2. **Variance.** A minimal relaxation or modification of the strict terms of this ordinance granted by the Planning Commission (and decisions regarding a request for a variance by the Planning Commission is subject to a right of appeal by the property owner and/or the subdivider to the City Council of the City of Blue Ridge, Georgia in accordance with Article 7 of this ordinance) where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property such as irregular lot size, topography, or other characteristics of the lands and not as the result of any action on the part of the property owner and/or subdivider, a literal enforcement of this ordinance would result in unnecessary and undue hardship. Such

modification may not authorize, however, the creation of a lot(s) that contains less square footage than the minimum standard established by this ordinance or the Blue Ridge Zoning Ordinance.

Pre-Submittal Conference. An initial and informal stage of subdivision review at which the developer may make known preliminary plan proposals and the Planning Officer may respond and/or advise the developer concerning the subdivision standards.

Protective Covenants. Contracts made between private parties or conditions recorded with an approved plat and running with the land, specifying the manner in which land may be used, developed, or improved with the view to protecting and preserving the physical and economic integrity of any given area.

Reserve Strip. A strip or parcel of land along, or around, or between properties, the purpose of which is to restrict access.

Re-Subdivision. A change in a map of any approved or recorded subdivision plat altering the lots incorporated within the confines of the original plat.

Right-Of-Way. A strip of land designated, reserved, dedicated, occupied, or purchased for the purpose of pedestrian or vehicular access, road, railroad, sanitary or storm water, water main, shade trees, or utility line installation, or other special use.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

Roadway Drainage Structure. A device, such as a bridge, culvert, or ditch composed of a virtually non-erodible material such as concrete, steel, plastic, or other material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carry water to a release point on the other side.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system.

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

Setback Line. The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Slope. Degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Stabilization. The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State Waters. Any and all rivers, streams, creeks, branches, lakes reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Stop Work Orders. A notice from the Blue Ridge Building Inspector or Mayor and Council of Blue Ridge or their representative that requires all work on a development to cease except corrective measures to the violation stated in the notice.

Street. A right-of-way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise. (The following definitions are consistent with the Georgia Department of Transportation Functional Classification System, but in the event of a conflict, the definitions of this ordinance shall control.)

1. **Arterials.** Roads designed to carry rapid, continuous traffic to major magnets within the city; will usually pass through or near the heart of a municipality, connecting residential, commercial, industrial and public activity areas.
2. **By-Pass.** A highway designed for fast, continuous movement of all types of traffic between highways and widely separated parts of the urban area. By-passes generally have limited or controlled access and are usually grade-separated at railroads and major crossings.
3. **Collector Streets.** A street bringing traffic to arterials, or interconnecting arterials. A street that provides for relatively easy movement at moderate speeds from homes and businesses to arterials.
4. **Local Streets.** A street providing direct access to abutting properties.
5. **Alley or Service Drive.** A minor access way used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a street.
6. **Frontage Street.** A street parallel and adjacent to major thoroughfares or arterial streets which provides access to abutting properties with protection from through traffic.
7. **Cul-De-Sac.** A local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
8. **Half-Street.** A street or road adjacent to a subdivision tract boundary where only one-half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other one-half is undecided or is left to the adjacent property owner.

Street (Private). A right-of-way serving two or more properties that is not dedicated to public use. Any such right-of-way shall be recorded on a plat or deed with a statement that the right-of-way will not be maintained by a government entity.

Street (Public). A right-of-way arising by purchase, dedication, or public use which is maintained by a government entity or agency thereof; accessible to, supported and shared by all members of the public.

Street Line or Right-of-Way Line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Subdivider. Any person, as defined by this Ordinance, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Ordinance, or the authorized agent of such person.

Subdivision. The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, for sale, legacy, or building development, and includes re-subdivision and leaseholds of property, but not buildings and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. With the exception of Conservation Design Subdivisions as addressed in Article 6 of this Ordinance, the resulting lot dimensions must conform to the minimum lot dimensions specified in the Blue Ridge Zoning Ordinance and/or the regulations of the Fannin County Board of Health for Individual On-Site Sewage Management Systems, if applicable. For the purpose of this Ordinance the definition of a subdivision is broken down into three subcategories as follows:

1. **Exempt Subdivisions of Land.** Divisions of land that have the following characteristics are exempt from review and action by the Planning Commission or the Planning Officer under the subdivision regulations as set forth in this ordinance. Such exemption shall not require the city of Blue Ridge to issue permits for construction if the resulting lots or parcels fail to meet any applicable regulations of the city concerning lot size, lot width, access, and other dimensional requirements. (Note: If the subject lot is within 200 feet of public sewer, then the connection to public sewer is mandatory. If the subject subdivision is within 500 feet of public sewer, then the connection to public sewer is mandatory.)
 - a. the sale of entire lots consistent with previously approved and recorded plat or deeds;
 - b. the combination or recombination of portions of previously platted and undeveloped lots where the total number of lots is not increased and the resulting lots equal or exceed the minimum standards of this Ordinance or the Blue Ridge Zoning Ordinance;
 - c. the sale of all portions of an existing lot or parcel to one (1) or more adjoining landowner(s) for recombination into one (1) or more adjacent lots(s) or parcels;

- d. the acquisition of right-of-way by any county, city, governmental unit, the Georgia Regional Transportation Authority (GRTA), or the Georgia Department of Transportation (GDOT).
- 2. Minor Subdivisions of Land.** All subdivisions of land, which front on an existing public or private local street, as defined by this ordinance (see definition for “Street” in this Article above); do not require any new or improved street; do not require a request for variance from any of the provisions of this Ordinance; do not require the extension of public utilities on public rights-of-way; and, are not in conflict with any of the provisions of this Ordinance, including the following specific examples:
- a. the division of land among heirs or beneficiaries by judicial decree;
 - b. the sale of a portion of an existing lot or parcel to an adjoining landowner for combination therein requires platting the final dimensions of all affected lots;
 - c. the division of a portion of a lot or parcel by the owner thereof solely for the purpose of placing said divided portion as collateral for a security instrument.
- 3. Major Subdivisions of Land.** All subdivisions not classified as exempt or minor subdivisions. (Note: New street construction or extensions of public water, sewer service, or other utility service are required in a major subdivision.)

Townhouse. One single-family dwelling unit connected in a row of at least two (2) such units in which each unit has its own lot with a front and rear yard, and no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Variance. A minimal relaxation or modification of the strict terms of this Ordinance granted by the Planning Commission where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property such as irregular lot size, topography, or other characteristics of the land, and not as the result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Such modification may not authorize, however, the creation of a lot(s) that contain less square footage than the minimum standard established by this Ordinance or the Blue Ridge Zoning Ordinance.

Water Course. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water System.

- 1. Public Water System** - a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year in accordance with the Rules of Georgia Department of

Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for Safe Drinking Water" as amended.

- a. **Governmental Public Water System** - a public water system, which is owned and operated by a governmental entity, or a legislatively-created authority. Such connections must also be consistent with the terms of the local Service Delivery Agreement, as amended.
 - b. **Non-Governmental Public Water System** - a public water system, which is owned and operated by any non-governmental entity.
- 2. **Community Water System** - a system serving more than one single-family dwelling but fewer than the connections and/or persons required to be considered a public water system.
- 3. **Individual Water Supply System** - means a system of piping, pumps, tanks, or other facilities, which utilizes groundwater to supply a single-family dwelling.

Article 3
Administration

- 3.1 Administration.** This Ordinance shall be administered by the Planning Commission and the Planning Officer designated by the Mayor and Council of Blue Ridge.
- 3.2 Variance.** When there is a request from a property owner and/or subdivider, it must be in written form, and where the Planning Commission finds that extraordinary or unnecessary hardships may result from strict compliance with these regulations, and that the property owner and/or subdivider meets the conditions of a variance as defined, and as provided by the term “variance” as defined in Section 2 above, the Planning Commission may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of other plans and policies of the Governing Authority. Any decision of the Planning Commission as to a variance request, shall be subject to a right of appeal by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.
- 3.3 Waiver.** When there is a request from a property owner and/or a subdivider, in written form, and where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate to the proposed subdivision, the Planning Commission may waive such requirement subject to appropriate conditions. Any decision of a waiver request by the Planning Commission is subject to a right of appeal of the property owner and/or subdivider to the City Council of the City of Blue Ridge, Georgia in accordance with the appeal procedure contained in Article 7 of this ordinance.
- 3.4 Recording of Plats.** No plat of a subdivision of land within the city of Blue Ridge shall be entitled to be recorded in the Office of the Clerk of Superior Court of Fannin County, and it shall be unlawful to record such plat of land subdivision, unless and until the plat has received approval as a major or minor subdivision or is an exempt subdivision of land as defined in this Ordinance.

Article 4

Subdivision Submittal, Review and Approval Procedure

4.1 Purpose. The purpose of this article is to establish the procedure for review and action on submittals for subdivisions of land. The procedure is intended to provide for the orderly and expeditious processing of such submittals.

4.2 Conformance to Applicable Rules and Regulations. In addition to the requirements established in this Ordinance, all subdivision plats shall comply with all applicable laws, resolutions, rules, or regulations, including, but not limited to:

1. all applicable provisions of Georgia law, regulations, or policy (example: Georgia Utility Facility Protection Act);
2. the goals, objectives, and policies within, and the Future Land Use Map of the adopted comprehensive plan (or equivalent), but subdivisions consistent with the zoning of the property shall be controlled by zoning, except for separate provisions applicable to the review and approval of conservation design subdivisions;
3. the rules of the Fannin County Public Health Department as applicable;
4. the rules, as applicable, of the Federal Highway Administration or Georgia Department of Transportation, if the subdivision or any lot contained therein abuts a State or Federally designated highway;
5. the standards and regulations, as applicable, adopted by all other boards, commissions, and agencies having jurisdiction; and,
6. any provisions that may apply as a result of any proposed development being located in an area designated by the Federal Emergency Management Agency (FEMA) as a potential flood hazard prone area.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in this Ordinance.

4.3 Pre-Submittal Conference. The pre-submittal conference will serve as an informal plan review involving the developer and Planning Officer. The Planning Officer and his designees, hereinafter referred to as "staff", at that time shall determine if the submittal constitutes either an exempt, major, or minor subdivision. The purpose is to permit the subdivider to discuss his concept and proposed design. Further, staff can point out any factors that may have an impact on the proposed development and advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a very detailed proposal that may contain elements contrary to this Ordinance. During the pre-submittal conference regulations may be distributed, the schedule of Planning Commission meetings noted, and department approvals and agency contacts identified. The pre-submittal conference is highly recommended for new developers. While such conference is optional, those developers that are familiar with the process of plat approval in Blue Ridge are still encouraged to participate.

4.4 Determination of Subdivision Type. Upon receipt of any subdivision plats, planning staff shall determine whether the proposed subdivision is an exempt, minor, or major subdivision of land as the term "subdivision" is defined in Article 2. No subdivision shall be considered exempt, unless so designated by the City of Blue Ridge, through the Planning Officer, the Blue Ridge Planning Commission, the Blue Ridge City Council, or other proper agent of the City of Blue Ridge.

4.5 Submittal, Review, and Approval Procedure for a Minor Subdivision. Subdividers requesting review and action on a minor subdivision plat shall follow the procedure described below.

4.5-1 Submittal Requirements.

- a. A final plat that has been prepared in accordance with Section 4.6-2(d) shall be submitted to the Planning Officer for action, together with the prescribed fee and evidence that no taxes or assessments are outstanding against the property.
- b. When the subdivision involves a townhouse development or is considered a conservation design subdivision, a plat, including additional site plan specifications, shall be required [see Section 4.6-2(e)]. A plat including these additional specifications may be presented in addition to or in lieu of a plat not containing these additional features.

4.5-2 Review Procedures.

- a. The Planning Officer will review the plat for compliance with minimum plat specifications [Section 4.6-2(d)], design standards (Article 5) and conformance with all other applicable rules and regulations (Section 4.2).

4.5-3 Approval Procedures.

- a. Upon presenting the proposed final plat and site plan, if applicable, to the Planning Officer, all applicable "Certificates of Approval" shall already be endorsed except for the "Certificate for Approval of Recording."

The Planning Officer shall approve or deny the final plat and/or site plan within fifteen (15) working days of its submittal. However, the developer may waive this requirement and consent to an extension of this period.

- b. Where a minor subdivision proposes access to a State Highway, the Georgia Department of Transportation shall determine the feasibility of such access (Georgia Code of Public Transportation, Section 32-6-151). The Planning Officer shall include the requirements of the Department of Transportation in any action taken upon a proposed minor plat.
- c. If the plat and/or site plan approval is denied by the Planning Officer, the subdivider may request that the Planning Commission review the plat and/or the site plan, pursuant to the submittal and approval procedure contained in Section

4.6-2, and in which case the Planning Commission may affirm the denial of the Planning Officer or may approve the plat and/or site plan and overrule the Planning Officer. Should the Planning Commission approve the denial by the Planning Officer, then the property owner and/or the subdivider shall have a right of appeal to the City Council of the City of Blue Ridge, Georgia in accordance with the appeal procedure contained in Article 7 of this ordinance.

- 4.6 Submittal, Review and Approval Procedure for a Major Subdivision.** Any applicant requesting approval of a proposed major subdivision shall follow the procedure described below in order to secure approval. Subdividers wishing review and action on a major subdivision shall follow the procedure described below.

4.6-1 Preliminary Plat. Subsequent to an optional pre-submittal conference with the Planning Officer and before any grading, site development, or construction begins, the subdivider shall submit a preliminary plat pursuant to the following sequence of submittal, review and approval procedures.

- a. Submittal Requirements.** The subdivider shall submit a preliminary plat that has been prepared in accordance with Section 4.6-1(d), together with the prescribed fee, to the Planning Officer, who will coordinate with the Planning Commission (and coordinate with the City Council in the event of an appeal) and other interested parties, the activities of the review and approval (and appeal) process.

When the subdivision involves a townhouse development or is considered a conservation design subdivision, a plat, including additional site plan specifications, shall be required [see Section 4.6-2(e)]. Preliminary plats including site plan specifications may be presented either in addition to or in lieu of a plat not containing these additional features.

A minimum of five (5) copies of the preliminary plat (seven (7) copies where subdivision proposes access to a State Highway) and supporting documentation shall be submitted to the Planning Officer. The submission shall occur a minimum of fifteen (15) working days prior to the meeting date of the Planning Commission at which the subdivider desires the Planning Commission to take official action. At the discretion of the Planning Officer, this time limit may be waived.

If a subdivision proposes access to a State Highway, then the Department of Transportation shall receive two (2) copies of the proposed plat to determine the feasibility of such access (Georgia Code of Public Transportation, Section 32-6-151). The Planning Commission shall include the requirements of the Department of Transportation in any action taken upon a proposed plat.

In the event that the subdivider plans to secure approval of his subdivision layout by the Federal Housing Administration or other Federal or State Agency, it is suggested that such approval be secured prior to the submission of a Preliminary Plat to the Planning Commission.

- b. **Review Procedures.** Review of the preliminary plat is the most important step in any development review in order to identify problems or obstacles that will inhibit the proposed development. The Planning Officer will review the plat for compliance with minimum plat specifications [Section 4.6-1(d)], design standards (Article 5) and conformance with all other applicable rules and regulations (Section 4.2). The Planning Officer will coordinate and forward copies of the plat such that all affected parties, including but not limited to those responsible for streets, drainage, provisions for fire, water, sewer, and other infrastructure may conduct individual reviews of the plat.
- c. **Approval Procedures.** The Planning Officer will direct the preliminary plat to the Planning Commission for review and action. Within ninety (90) days after the date of review by the Planning Commission, the Planning Commission shall approve, or approve with condition, or disapprove the preliminary plat.

Failure of the Planning Commission to act within ninety (90) days shall be deemed approval of the plat and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent in writing to the extension of the period. The grounds for disapproval of any plat shall be stated in writing upon the records of the Planning Commission and a copy of the grounds provided to the subdivider. After official action by the Planning Commission, a letter shall be issued by the Planning Officer to the subdivider notifying the subdivider of the official action. Any conditions attached to the official action shall be stated and if the preliminary plat is denied the reasons for denial shall also be stated.

Planning Commission approval of a preliminary plat shall be considered valid for a period of two years from the date of plat approval.

In the event that the Planning Commission should disprove a preliminary plat (or approve the plat with conditions or additional requirements), then the property owner and/or subdivider shall have a right of appeal of the decision by the Planning Commission to the City Council of the City of Blue Ridge, Georgia in accordance with the appeal procedure contained in Article 7 of this ordinance.

- d. **Preliminary Plat Specifications.** The preliminary plat shall be prepared by a Georgia Registered Surveyor; if a landscape architect or civil engineer contributed to the plat, then so indicate. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch. The plat shall be drawn in permanent ink on reproducible material not exceeding 20 x 24 inches and shall include:
 - (1) Proposed name of subdivision; with R/Ws and names of new streets and existing streets;
 - (2) Name, address, and telephone number of person to be notified of action;

- (3) Name, address, and license number of the Register Surveyor responsible for the preparation of the plat;
- (4) Graphic scale, north arrow and date of plat preparation;
- (5) Total acreage in single parcel ownership by the subdivider; the total number of acres being subdivided; the total number of lots created; and total linear length of streets.
- (6) A general location map showing the proposed development in relation to other adjacent properties and existing streets in the Blue Ridge area;
- (7) The location and dimensions of all boundary lines of the property to the nearest hundredth of a foot and the deed record names of adjacent owners or subdivisions shall be identified;
- (8) The location and dimensions of existing rights-of-ways, streams (showing stream buffers, as amended), drainage structures, or utilities, buildings, lakes, and lands subject to flooding; if applicable, the 100-year flood plain should be shown;
- (9) Topography by contours at vertical intervals of not more than five (5) feet based upon Mean Sea Level (M.S.L.); the contour requirement may be waived or the interval adjusted up or down based on the need as determined by the Planning Officer;
- (10) The layout and scaled dimensions of all lots and streets; the location, purpose, and dimensions of all existing and future drainage ways and easements; the size of the drainage area in acres must be provided and the size and location of all existing and proposed drainage tiles shall be shown;
- (11) The location and dimension of all property proposed to be set aside for recreation use or other public use, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
- (12) Centerline profile of all proposed streets showing natural and finished grades and proposed street names; and a cross-section of the proposed street design.
- (13) Front setback lines;
- (14) Statements on the plat to indicate the applicable service to the proposed development:

water = public water or individual well

sewage disposal = public sewer or individual septic tanks

If a public water system is proposed using a well supply, then the proposed location of the well shall be shown. All existing wells shall be shown; rock

outcrops, marshes, springs, and other outstanding topographic features shall be designated.

If individual septic tanks are proposed then soil types shall be shown upon the plat in compliance with the requirements of the Fannin County Health Department.

- (15) Draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions;
- (16) Environmentally sensitive areas: location of major river corridors, water supply watersheds, groundwater recharge areas, wetlands, the boundary and elevation of the 100-year flood plain as determined by the past history of flooding or best available data;
- (17) A Soil Erosion and Sediment Control Plan as required by the City of Blue Ridge Soil Erosion and Sedimentation Ordinance;
- (18) Locate and size all drainage areas and drainage tiles affecting the proposed subdivision.

4.6-2 Final Plat. Subsequent to approval of the preliminary plat, the developer shall submit a final plat pursuant to the following sequence of submittal, review, and approval procedures.

- a. Submittal Requirements.** Before a final plat is submitted to the Planning Officer for review and action, one of three criteria must have been met. These criteria are: (1) No public utilities extensions or public or private streets are necessary on the part of the developer; (2) The proposed public improvements which were approved in the Preliminary Plat have been completed in accordance with approved standards, and certificates of satisfactory completion have been obtained from the appropriate authority(ies); or (3) the developer/subdivider may submit an appropriate bond, irrevocable letter of credit, or funds in escrow in an amount not less than one hundred ten percent (110%) of the estimated expenses of construction to proper standards and shall complete construction within one (1) year of the issuance of the first building permit for a lot along such road. Under such circumstances the security shall be posted with the applicable department or agency that will bear the responsibility of completing the public improvement(s) should the developer default. Further, the developer/subdivider shall indemnify the city of Blue Ridge, including, but not limited to all elected officials, employees, agents, attorneys, and anyone acting on behalf of the city of Blue Ridge from any and all liability associated with any failure of the developer/subdivider in connection with his/her status as a National Pollution Discharge Elimination System (NPDES) permit holder, or any failure of the developer/subdivider to construct any public improvements to the standards required by the City of Blue Ridge.

The developer shall submit the final plat to the Planning Officer, prepared in accordance with Section 4.6-2(d). When the subdivision involves a townhouse development or is considered a conservation design subdivision, a plat, including additional site plan specifications, shall be required [see Section 4.6-2(e)].

A minimum of five (5) copies of the final plat and site plan, if applicable, and all supporting documentation shall be submitted to the Planning Officer within two (2) years from the date the Preliminary Plat was approved; if not, such preliminary plat approval shall lapse.

If the developer places restrictions on any of the land contained in the subdivision greater than those required by this Ordinance, such restrictions or reference thereto shall be identified on the plat by the following statement: *Restrictive covenants apply to the subdivision of lots shown hereon*. Also, both the plat and covenants shall be recorded referencing each other. Conservation design subdivisions (Article 6, Sections 6.4-5 through 6.4-7) specifically require mechanisms for securing the ownership, maintenance, and perpetuity of open space established through the subdivision review process.

- b. Review Procedures.** The Planning Officer will review the plat for compliance with minimum plat specifications (Section 4.6-2(d)), design standards (Article 5) and conformance with all other applicable rules and regulations (Section 4.2).
- c. Approval Procedures.** Within thirty (30) working days after the date of plat submission to review and action by the Planning Officer, including all required supporting data and certifications, the Planning Officer shall approve or disapprove the final plat and/or site plan.

Failure of the Planning Officer to act within thirty (30) days after the date of submission review shall be deemed approval of the plat and/or site plan and a certificate to that effect shall be issued by the Planning Officer on demand; provided, however, that the applicant for the Planning Officer's approval may waive this requirement and consent to the extension of the period. The grounds for disapproval of any plat and/or site plan shall be stated in writing and a copy of the grounds provided to the subdivider.

Approval of the final plat and/or site plan, if applicable, by the Planning Officer shall not be deemed an acceptance by the city or the public of the dedication of any street or other ground shown upon the plat or site plan. The subdivider must prepare deeds of conveyance for each right-of-way or other public space and separate action is required before the Governing Authority.

- d. Final Plat Specifications.** The final plat shall be prepared by Georgia Registered Surveyor. If a landscape architect or civil engineer, licensed to practice in Georgia, contributes to the plat then appropriate seals, preferably at one hundred (100) feet to an inch, but in no case smaller than two hundred (200) feet to an inch shall be shown. The plat shall be drawn in permanent ink on reproducible material on sheet or sheets not exceeding 17 x 22 inches, and shall include:

- (1) Name of subdivision and street names;
- (2) Name, address, and telephone number of person to be notified of action;
- (3) Name, address, seal and license number of Registered Surveyor; the signature of the surveyor shall be across the seal in black ink for the plat to be valid; also, seals of landscape architects or civil engineers, if appropriate;
- (4) Date of plat drawing, graphic scale, north point, notation as to the reference of bearings to magnetic, true north, or grid north and indication whether bearings shown are calculated from angles turned or taken from compass readings;
- (5) Location of tract (Land District and Land Lot) giving total acreage being subdivided; total number of lots created; and total length of new streets within the development;
- (6) Location sketch map showing the relationship of the plat to other existing streets and properties in Fannin County;
- (7) Index map where more than one sheet is required to present plat; [Note: multiple sheets shall each be named to conform with the title sheet and designated for example: 1 of 3, 2 of 3, and 3 of 3];
- (8) Identify the point of beginning (P.O. B.) tied to the nearest existing street intersection or nearest land lot line or district line;
- (9) Exact boundary lines of the tract, to be indicated by a heavy line giving distances to the nearest one-hundredth ($1/100$) foot and angles to the nearest minute, which shall be balanced and closed with an error of closure to be one (1) foot in eighty-five hundred (8,500) feet or better. The error of closure shall be stated on the plat;
- (10) City, County or land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision;
- (11) Street center lines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature;
- (12) Lot lines with dimensions to the nearest one-hundredth ($1/100$) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
- (13) Front setback lines;
- (14) Lots or sites numbered in numerical order or numbered in relationship to each phase of development;
- (15) Location, dimensions and purpose of all drainage structures and of any easements; including slope easements, and public service utility right-of-way

lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners;

- (16) Final plan of sanitary sewers (if applicable) with grade, pipe size and man-hole locations;
- (17) Final plan of water supply system (if applicable) with pipe sizes and location of valves, pipe and fire hydrants;
- (18) Final plan of electrical, telephone, television cable, and gas (if applicable) service with locations shown, pipe and valves sized and located (as applicable);
- (19) Accurate location of monuments and markers;
- (20) The boundary and elevation of the 100-year flood plain as determined by the past history of flooding or best available data;
- (21) Certificates and statements as specified in Section 4.6-2(f);
- (22) If a Declaration of Covenants and Restrictions apply to the subdivision, then such covenants and restrictions shall be presented before the final plat is approved; the plat shall contain a statement: *Restrictive covenants apply to the subdivision of lots shown hereon.*

e. Site Plan Specification Requirements. In addition to the required specifications for a major subdivision plat, the site plan shall include:

- (1) location of parking spaces showing, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions;
- (2) location of open space areas or recreational facilities;
- (3) location of buffers and / or vegetation where required; and
- (4) building locations.

f. Final Plat Certificates of Approval. Each final plat submitted shall carry "Certificates of Approval" appropriate to the particular development and signed by the appropriate departmental authorities. At least five (5) certificates shall be required. Examples of these certificates follow. Certificates on the final plat must reflect the content of these model certificates, but the language of the certificates may be changed at the discretion of the Planning Officer to reflect special circumstances.

- (1) A certificate of ownership shall be affixed to the Final Plat. Two examples follow. The first example should be used in the case of the dedication of

infrastructure and public grounds to the city. The second example should be used in the establishment of a property owner's association for the purpose of the maintenance of infrastructure and public grounds.

Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision [and restrictive covenants thereto]. I (we) further certify that it is our intent to dedicate to the City of Blue Ridge at the appropriate time all streets, drains, and public grounds shown hereon.

Owner

Owner

Date

Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision [adopt restrictive covenants applicable thereto], and establish a property owner's association, (name of association) to retain and maintain for private use all streets, parks, drains, easements, and common grounds, shown hereon.

Owner

Owner

Date

- 2) A Registered Georgia Land Surveyor shall certify accuracy of the Final Plat. The following example should be used.

Final Accuracy and Design Certificate

I hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision: that all monuments shown hereon actually exist and their location, size, type, and material are correctly shown; and that all requirements of the City of Blue Ridge Subdivision Regulations have been fully complied with, and approval of this subdivision plat does not relieve me of any liability associated with inaccuracies or improper design.

Registered Georgia Land Surveyor No. _____
(and Seal)

By _____

Date _____

- 3) A Certificate of Approval for Fire Protection shall be affixed to the Final Plat. The following example should be used.

Certificate of Approval for Fire Protection

I hereby certify that the location of the fire hydrants in this subdivision are installed (planned for installation) in conformance with recommendations of the City of Blue Ridge.

City of Blue Ridge Public Works Director

Date

- 4) The Final Plat shall bear certification of approval of a public water system, public sanitary system, and streets and drainage. Two examples follow. If the subdivision is served by a public water system, and public sanitary system, and the streets and drainage structures thereon have been installed in an acceptable manner, the first example certificate should be affixed to the Final Plat. If the subdivision is served not served by a public sanitary system, but is served by a public water system, and the streets and drainage thereon have been installed in an acceptable manner, the second example certificate should be affixed to the Final Plat.

*Certificate of Approval of a Public Water System, Public Sanitary System,
and Streets and Drainage*

I hereby certify that the water system outlined and the public sanitary system serving the lots on this Final Subdivision Plat have been installed in accordance with the requirements of the city of Blue Ridge, and that all new public or private streets and drainage structures on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the City of Blue Ridge Subdivision Regulations, [or that a bond or other surety has been filed to guarantee said installation.]

Blue Ridge Planning Officer

Date

Certificate of Approval of a Public Water System and Streets and Drainage

I hereby certify that the water system outlined on this Final Subdivision Plat has been installed in accordance with the requirements of the city of Blue Ridge, and that all new public or private streets and drainage structures on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the City of Blue Ridge Subdivision Regulations, [or that a bond or other surety has been filed to guarantee said installation.]

Blue Ridge Planning Officer

Date

- 5) A Certificate of Approval for Recording shall be affixed to the Final Plat. Two examples follow. If the subdivision is a minor subdivision, the following example Certificate of Approval for Recording (Minor Subdivision) should be affixed to the Final Plat; if the subdivision is a major subdivision, the following example Certificate of Approval for Recording (Major Subdivision) should be affixed to a Final Plat.

Certificate of Approval for Recording (Minor Subdivision)

The City of Blue Ridge certifies that this plat complies with the minor subdivision provisions of the City of Blue Ridge Subdivision Regulations, (with the exception of such variances, if any, as are noted on the plat and in the minutes of the Planning Commission or the City Council, as applicable), and that it has been approved for recording in the office of the Clerk of the Superior Court of Fannin County, Georgia.

Blue Ridge Planning Officer

Date

Certificate of Approval for Recording (Major Subdivision)

I hereby certify that the final subdivision plat shown hereon has been reviewed by the Blue Ridge Municipal Planning Commission or the Blue Ridge City Council, as applicable, and has been found to comply with the City of Blue Ridge Subdivision Regulations (with the exception of such variances, if any, as are noted on the plat and in the minutes of the Planning Commission or the City Council, as applicable) and that it has been approved for recording in the office of the Clerk of the Superior Court of Fannin County, Georgia.

Blue Ridge Planning Officer

Date

Article 5
Design and Improvement Standards

5.1 Purpose. The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that projects will be designed to result in a well-planned community without adding unnecessarily to development costs.

5.2 General Principles of Design.

5.2-1 Site Analysis. An analysis shall be made of characteristics of the development site, such as site context, geology and soil, topography, climate, ecology, existing vegetation, structures, and road networks, visual features, and past and present use of the site. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

5.2-2 Suitability of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by the unstable land conditions. The decision of the Planning Commission as to whether the developer (subdivider) has formulated adequate methods to solve the problems created by the unstable land conditions may be appealed by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.3 General Subdivision Design Standards.

5.3-1 Monuments. The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by a registered surveyor. Monuments shall be located and set as follows:

- a. Monuments shall be located on street right-of-way lines, at street intersections and at the beginning and ending points of curves.
- b. All lot corners shall be marked by iron rods, pipe, or pins at least eighteen (18) inches long and five-eighths inch in diameter.
- c. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five eighths inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.

- d. All monuments and pins shall be properly set in the ground and approved by a Registered Surveyor prior to the time the Planning Officer recommends approval of the final plat or release of the bond where bond is made in lieu of improvements.

5.3-2 Name of Subdivision. The name of the subdivision must have approval of the Planning Commission or Planning Officer. The name shall not duplicate nor closely approximate the name of an existing subdivision within the city of Blue Ridge or in any other Fannin County jurisdiction. The denial of a name of a subdivision by the Planning Commission or the Planning Officer may be appealed by the property owner and/or the developer to the City Council of the City of Blue Ridge pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.3-3 Residential Development Design.

- a. The Blue Ridge Municipal Planning Commission may require alternative lot area and dimensions provided that lots conform to the minimum requirements of the Blue Ridge Zoning Ordinance and provided that such standards shall be appropriate to the type of development permitted. The Planning Commission may also review and approve alternative lot area, frontage, setbacks, and/or heights as allowed by Article 6 Conservation Design Subdivisions, provided that such standards shall be appropriate to the type of development permitted and is used to protect natural resources. Deviation from the typical lot-by-lot requirements of the Blue Ridge Zoning Ordinance is applicable only to Conservation Design Subdivisions and the approval of the required subdivision plats and site plans. Decisions by the Planning Commission pursuant to this section may be appealed by the property owner and/or developer to the City Council of the City of Blue Ridge, Georgia pursuant to the appeal procedure contained in Article 7 of this ordinance.
- b. Each lot or parcel shall have sufficient access to serve the principal use of the property, as well as emergency vehicles needing access to the lot or parcel.
- c. The creation and shape of individual lots in residential developments shall take into consideration topography, privacy, orientation, drainage, and aesthetics to enhance the benefit and enjoyment of residential occupancy into the future.

5.3-4 Industrial and Commercial Development Design. Commercial and industrial development shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography with environmentally sensitive areas avoided to the maximum extent practicable. Factors such as drainage, noise, odor, surrounding land uses and sufficient access shall be considered.

5.3-5 Circulation System Design. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

5.3-6 Access by Private Streets. Private streets may be permitted by the Planning Commission in subdivision developments where controlled access or privacy is desired by the developer provided such streets meet the following conditions. All private streets shall be constructed to the specifications of the city of Blue Ridge, however, private streets within Conservation Design Subdivisions are provided additional flexibility as addressed in Article 6 and in Appendix B-II. Developer or developer's successor must provide access for emergency vehicles of the City of Blue Ridge or any other governmental entity.

- a. The preliminary and final plats of a development proposing private streets shall show a statement indicating: *The street system is private and will not be maintained or improved by the city of Blue Ridge.*
- b. The plat review before the Planning Commission shall also include evidence of the legal formation of a property owners association to be charged with the minimum responsibility for maintenance of the private street. Such legal documentation shall be recorded and referenced as an attachment to the Final Plat.
- c. The deed for each lot or parcel sold from the plat shall also contain the statement: *The maintenance and improvement of the private street providing access to the described lot is the responsibility of the property owner(s) and not the city of Blue Ridge.*

The denial of approval of a private street or streets by the Planning Commission may be appealed by the property owner and/or developer to the City Council of the City of Blue Ridge, Georgia pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.4 Special Provisions Governing Unit Ownership (Townhouse Subdivisions)

5.4-1 General Provisions. Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime wherein there is established a horizontal property regime, each such townhouse or property regime created for the purpose of sale or transfer of real property is subject to the provisions of these standards.

5.4-2. Submission of Plat Required. Prior to the sale or transfer of any property incorporated in the property regime, the developer (subdivider), sole owner, or co-owners of such property shall submit to the Planning Commission and obtain their approval, or the approval of the City Council pursuant to the appeal process contained within Article 7 of this ordinance, of the subdivision plat of each property in the manner prescribed in this ordinance.

5.5 Lot Design Standards. All lots hereafter established in connection with the development of a subdivision shall comply with the following design standards.

- a. **Lot Lines** - Insofar as practical, side lot lines shall be perpendicular or radial to street lines.
- b. **Jurisdictional Limits and Lot Lines** - Lots shall not be divided by city or county boundary lines.
- c. **Lot Access** - Lot Access - Each lot created shall have direct abutting access, forty (40) feet wide, to an approved public or private street. Lots, however, within a Conservation Design Subdivision are exempt from such requirement as provided in the Blue Ridge Zoning Ordinance and Article 6 of this ordinance.
- d. **Setback Lines** - Setback lines per lot shall be as required by the Blue Ridge Zoning Ordinance, however, Conservation Design Subdivisions are exempt from such setbacks in lieu of flexibility provided by the Blue Ridge Zoning Ordinance and Article 6 of this ordinance.
- e. **Adequate Building Sites** - Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this Ordinance and any other applicable Ordinance.
- f. **Panhandle or Flag Lots** - "Panhandle" or "Flag" lots, of required width and area will be allowed where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than forty (40) feet wide and the panhandle access shall be not more than two hundred (200) feet long. Not more than two (2) such panhandle access points shall abut each other.
- g. **Double or Reverse Frontage Lots** - Double and reverse frontage, unless required by the Planning Commission, Planning Officer, or required by the City Council pursuant to an appeal, shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planted screen reservation of at least five (5) feet, across which there shall be no right of access, may be required along the line of lots abutting such traffic arterials or other disadvantageous use.
- h. **Lot Grade to Street Grade** - Any lot whose natural grade at the building line is twelve (12) feet or more above the finished grade of the street on which it fronts may be required to be provided with an approved access way to the lot from other than the street upon which it fronts.
- i. **Corner Lots** - Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the minimum front building setback requirement on both streets. The remaining lot lines shall meet side building setback requirements.
- j. **Lot Remnants** - Lot remnants shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unbuildable parcels.

k. Easements - Easements, with designated widths and purposes shown on the plat, shall be provided in subdivisions for the following purposes:

(i.) Utility Easements - When it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way, easements shall be shown on the plat for such purposes. Such easements shall not be less than twenty (20) feet in width or in concurrence with the width required by the utility provider. Where possible, such easements shall be centered on rear or side lot lines.

(ii.) Water Course and Drainage Easements - Where a proposed subdivision is traversed by a watercourse, drainageway, or stream, appropriate provisions shall be made to accommodate stormwater and drainage through and from the proposed subdivision. Such easement shall conform substantially with the lines of said water course and be of sufficient width or construction, or both, as to be adequate for the purpose.

Where appropriate, the utility provider or applicable Department of the city, at their request, shall be provided with the written legal mechanism necessary to document the location, width, and purpose of such perpetual easement.

l. Residential Lot Depth. Residential lot depth shall not be more than four (4) times the lot width at the building line.

m. Commercial and Industrial Lots. Commercial and industrial subdivisions of land shall be subject to the approval of the Planning Commission or Planning Officer and shall comply with the requirements of the Blue Ridge Zoning Ordinance.

n. Minimum Lot Dimensions and Area. Except for lots within a Conservation Design Subdivision (see Article 6), the minimum lot area, the minimum lot width at the front building lines, and the setback lines shall be as required in the Blue Ridge Zoning Ordinance or in conjunction with the requirements of the Fannin County Health Department, as applicable.

5.6 Street Design Standards. All streets, whether public or private, which shall hereafter be established in connection with the development of a Major Subdivision shall comply with any construction specifications of the city of Blue Ridge.

5.6-1 Access to Arterials and Collectors. Where a subdivision borders on or contains an existing or proposed arterial or collector route, as defined by this ordinance, the Planning Commission or Planning Officer, or the City Council pursuant to an appeal, may require that access to such street be limited by:

- a.** the subdivision of lots so as to back on to the arterial or collector street and front on a parallel local street;
- b.** a series of cul-de-sac, "U" shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial or collector street; or

- c. a frontage street.

5.6-2 Reserve Strips. The creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall generally not be permitted. However, in extraordinary circumstances the Planning Commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or streets. Where such is created, the Planning Commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto. The decision as to the creation of a reserve strip by the Planning Commission may be appealed to the Blue Ridge City Council by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.6-3 Arrangement of Continuing and Dead-end Streets. Where a subdivision will contain temporary or permanent dead-end streets they shall be designed as follows:

- a. **Arrangement of Continuing Streets** - The arrangement of streets shall provide for the continuation of major streets between adjacent properties when in the opinion of the Planning Commission such continuation is necessary for convenient movements of traffic, effective fire protection, efficient provision of utilities, and when such continuation is in accordance with the major street or road plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary "T", or "Y"-shaped turnabout shall be provided on all temporary dead-end streets as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued.
- b. **Dead-end Streets** - Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end street in accordance with the requirements of the City of Blue Ridge.
- c. **Appeal.** The decision as to the arrangement of continuing and/or dead-end streets by the Planning Commission may be appealed to the City Council of the City of Blue Ridge, Georgia by the property owner and/or developer (subdivider) pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.6-4 Intersections. Intersections of new streets in a subdivision shall comply with the following standards:

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) streets at an angle of less than seventy-five (75) degrees shall not be permitted. The angle of intersection is to be measured at the intersection of the street center lines. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless approved by the Planning Commission.
- b. Proposed new intersections along one side of an existing street shall coincide, wherever practicable, with any existing intersections on the opposite side of such street. Jogs within streets having centerline offsets of less than one hundred and fifty (150) feet shall not be permitted, except where the intersected streets have separated dual drives without median breaks at either intersection. Where streets intersect arterial or collector routes, their alignment shall be continuous (no jog). Intersections of arterial or collector streets shall be at least eight hundred (800) feet apart.
- c. Minimum curve radius at the intersection of two (2) local streets shall be twenty five (25) feet, and minimum curve radius at an intersection involving a collector street shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- d. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right of way line of the intersecting street.
- e. The decisions of the Planning Commission as to the intersection of streets may be appealed to the City Council of the City of Blue Ridge, Georgia by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.6-5 Additional Width on Existing Streets. In subdivisions that adjoin existing streets, the subdivider shall dedicate additional right-of-way to meet the minimum street width requirements as follows:

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the street.
- b. When the subdivision is located on one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway, shall be provided.

5.6-6 Street Names. Streets or roads that are extensions of or obviously in alignment with existing named streets shall bear that name. The names of new streets and roads shall be subject to the approval of the Planning Commission and shall not duplicate or be similar in sound to existing names of streets in the City of Blue Ridge or in any other Fannin County jurisdiction irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, lane, or court, etc. The denial of a name of new streets and roads by the Planning Commission may be appealed to the City Council by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.6-7 Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This Strip is reserved for screening; the placement of structures hereon is prohibited".
- b. In commercial or industrial areas, the nearest street extending parallel or approximately parallel to the railroad or limited access highway shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth of commercial or industrial sites.
- c. Streets parallel to a railroad or limited access highway, when intersecting a street which crosses the railroad at grade, shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5.6-8 Bridges. Bridges of primary benefit to the subdivider, as determined by the city of Blue Ridge shall be constructed at the full expense of the subdivider without reimbursement from the city of Blue Ridge. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the city of Blue Ridge, may be fixed by special agreement between the city of Blue Ridge and the subdivider. The cost shall be pro-rated to the subdivider as to the percentage of his development so served. The engineering design of all bridges shall be reviewed and approved by the city of Blue Ridge. Any preliminary plat identifying the construction of a bridge must bear the seal of a Georgia Certified Civil Engineer.

5.6-9 Special Purpose Streets.

- a. **Half Streets** - Half Streets are prohibited. Whenever a street is planned adjacent to the proposed tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

- b. **Split Level Streets** - Streets, which are constructed so as to have two traffic ways, each at a different level within the same right-of-way, shall provide a minimum right-of-way of twenty five (25) feet per traffic way and such additional right-of-way as necessary to meet the requirements of 5.6-5 and a minimum paved traffic surface of fifteen (15) feet. The slope between the two traffic ways would not be less than 2 to 1.
- c. **One-Way Streets** - If permitted by the Planning Commission, one-way streets shall meet a minimum right-of-way of twenty five (25) feet and a pavement width of fifteen (15) feet.
- d. **Alleys** - Alleys or service drives may be required at the rear of all lots used for multi-family, commercial, or industrial developments but shall not be provided in one and two family residential developments unless the alley or services drive is to provide secondary access to a lot (lots) whose natural grade is (are) more than twelve (12) feet above the finished street grade, or unless the subdivider produces evidence satisfactory to the Planning Commission of the need for an alley or service drive; pavement width is fifteen (15) feet with or without curbs; right-of way, twenty (20) feet.
- e. **Appeal.** Decisions by the Planning Commission as to one-way streets and/or alleys may be appealed to the City Council by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.6-10 Geometric Design Standards for Streets. The criteria in the following table are applicable.

Table 5-1: Geometric Design Standards for Streets			
Design Item	Street Class		
	Major	Collector	Local
Maximum Horizontal Curvature (degrees)	12	23	33
Maximum Percent Grade (percent)	7	12	18
Minimum Vertical Site Distance (feet)	275	200	200
Minimum Distance Between Reverse Curves (feet)	100	100	100

5.6-11 General Street Specifications. The criteria in the following table are applicable. All streets must be curbed, guttered, and constructed meeting any construction specifications of the city of Blue Ridge.

Table 5-2 General Street Specifications							
Design Criteria ¹	Major Street Classifications			Minor Street Classifications			
	Principal Arterial	Minor Arterial	Collector	Dwellings per local street			Comm./Industrial ²
				<12	13-50	>50	
Right-of-way ³	Variable	Variable	60 feet	44 feet	46 feet	48 feet	50 feet
Construction width ⁴	Variable	Variable	36 feet	24 feet	26 feet	28 feet	30 feet
Cul-de-sac turnaround r/w pavement	n.a.	n.a.	n.a.	100 feet 80 feet	100 feet 80 feet	100 feet 80 feet	102 feet 100 feet
Max. Grade	8 percent	10 percent	15 percent	18 percent	18 percent	18 percent	18 percent
Min. Vertical Sight Dist. ⁵	500 feet	300 feet	300 feet	200 feet	200 feet	200 feet	500 feet
Min. Horizontal Sight Dist. ⁶	400 feet	300 feet	300 feet	100 feet	100 feet	100 feet	400 feet

5.6-12 Stormwater Infrastructure. All subdivision developments, whether residential, commercial, or industrial, shall comply with any construction specifications of the city of Blue Ridge relative to stormwater infrastructure.

5.7 Street Features.

5.7-1 Signs. The developer shall install street name signs, traffic control signs and any other signs as specified by the city of Blue Ridge.

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Planning Officer. Street signs on exterior or boundary streets shall be installed by the City with the developer paying a proportionate share determined by the City. Street signs for interior streets of a subdivision or land

¹ All streets must be curbed, guttered, and constructed meeting any construction specifications of the city of Blue Ridge.

² In cases where the street is a cul-de-sac intended to serve primarily commercial office uses, the requirements of the highest tier residential classification shall apply.

³ The pavement of local streets, being from curb to curb, must be contained upon right-of-way. The pavement of said local street is contemplated to be at a minimum of 24 feet wide. Subject to the approval of the Planning Commission and/or the City Council due to an appeal, easement area dedicated for street purposes may be substituted for the balance of the typical right-of-way width on local streets only. The set-back distance is to be measured from the easement line in the event such an easement is allowed. Required off-street parking is allowed within such easements.

⁴ Measured from back-of-curb to back-of-curb. Street construction widths are uniform from intersection to intersection or from intersection to the cul-de-sac turnaround.

⁵ Measured distance is between points four (4) feet above the centerline of the street.

⁶ Measured distance is the centerline radius of curvature.

development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Planning Officer.

5.7-2 Mailboxes. The developer shall coordinate the lot addressing system with the Fannin County Fire Department.

5.7-3 Sidewalks. All residential subdivisions shall be developed with the sidewalks. Sidewalks within commercial subdivisions may be required at the discretion of the Planning Commission, which shall be influenced by reasonable proximity to existing or proposed residential developments that can benefit from the connectivity.

a. Location. Sidewalks shall be included within the dedicated non-pavement right-of-way of roads and shall parallel the street pavement as much as possible; however, the City of Blue Ridge may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

b. Specifications. Sidewalks shall be a minimum of four feet wide. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs in residential areas.

5.7-4 Street Lights. All residential subdivision street lighting shall be installed meeting any specifications adopted by the city of Blue Ridge relative to height, spacing, and intensity of street lights.

a. Type. The light source is shall be metal halide. Substitution may be allowed at the discretion of the Planning Officer.

b. Height. Collector roads shall have light poles at thirty (30) foot maximum to the top of the light fixture/post assembly, with seventy five (75) foot maximum spacing. Local roads shall have light poles at eighteen (18) foot maximum height to the top of the fixture/post assembly with a fifty (50) foot maximum on-center spacing.

c. Intensity. The following table 5-3 sets forth minimum illumination intensity requirements by street type:

Table 5-3 Street Illumination Requirements (in footcandles)		
Facility Type	Residential	Commercial/Industrial
Arterial/Major Collector Road	0.9	1.6
Minor Collector Street	0.6	1.2
Local Street	0.4	0.9
Sidewalks/Bikeways	0.2	1.0

5.7-5. Appeal. Decisions by the Planning Officer or the Planning Commission, or both, as to street features as provided by Section 5.7 may be appealed to the City Council by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.8 Utilities.

5.8-1 Water Supply and Sanitary Sewer. The water system and sanitary sewer design, materials and construction methods shall be approved the city of Blue Ridge. Where a public-governmental water supply and/or sanitary sewer system is available within the distance specified by the regulations of the Georgia Department of Natural Resources, developments shall connect to such systems. Extensions shall be made at the developer's expense.

In all cases where the developer may and intends to install an individual water supply system and /or individual sewage disposal system, the developer shall present adequate justification as to why they shall not provide a connection to the existing public-governmental water and/or sanitary sewer system. The water supply and sewer system strategy shall be determined by the Planning Commission on a case-by-case basis taking into consideration the following factors:

- a. developer costs of installing individual water supply system and/or individual sewage disposal system relative to costs of connecting to existing public system;
- b. ground water availability, quality, and pollution susceptibility;
- c. the extent to which additional costs imposed upon the developer for a required connection to existing public system is necessary to promote the health, safety, or general welfare of the general public.

When a water main is to be located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street base is applied.

The decision by the Planning Commission as to the water supply and sewer system strategy may be appealed to the Blue Ridge City Council by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance.

5.8-2 Electrical, Telephone, and Cable Service. All electrical, telephone, and cable service to subdivisions developed after the adoption of these regulations shall be required to be placed underground. All electrical, telephone, and cable service shall be installed meeting any construction specifications of the city of Blue Ridge relative to said utilities.

5.9 Surety in Lieu of Completion of Improvements.

5.9-1 Purpose. In lieu of the completion of the required improvements necessary for final plat approval, the city of Blue Ridge may accept security in an amount and form

satisfactory to him, providing for the actual construction and installation of the improvements. A separate security in an amount and form satisfactory to city of Blue Ridge will be required for the actual construction and installation of infrastructure improvements that they regulate.

5.9-2 Form of Security. The developer shall provide adequate and acceptable security from a bank or other reputable institution, which certifies the following:

- a. That the creditor does guarantee funds in an amount equal to 110 percent of the cost of completing all required improvements, as estimated by the developer and approved by the city of Blue Ridge as appropriate.
- b. That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall immediately pay to the City of Blue Ridge, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the applicable letter or up to the principal amount of the bond.
- c. That the security may not be withdrawn, or reduced in amount, until released by the City of Blue Ridge.

5.9-3 Time Limits. Prior to the granting of final plat approval, the developer and the city of Blue Ridge, shall agree upon a deadline for the completion of all required improvements. Such deadline per phase shall not exceed one (1) year from the date of final approval.

5.9-4 Release of Security. When the required improvements have been completed by the developer to the satisfaction of the City of Blue Ridge as applicable, then each entity shall release the security.

5.10 Improvement Maintenance Security.

5.10-1 Maintenance Required. The developer shall be required to maintain all public improvements in a development for a period of one (1) year. The one (1) year maintenance period shall commence with the date of the city of Blue Ridge accepting the deed or, if secured by a surety for completion of improvements, as provided for in section 5.9-2, then the one (1) year period shall be measured from the date the security is released.

5.10-2 Maintenance Security - Form and Amount. The developer shall post with the clerk of the city of Blue Ridge an acceptable form of security payable to the City of Blue Ridge in an amount equal to ten (10) percent of the total cost of the public improvements. The purpose of the security is to insure faithful maintenance of said installations and improvements by the developer.

5.10-3 Call for Security. If, upon being notified by the city of Blue Ridge of failure of required installations or improvements, the subdivider does not correct the deficiency or commence work within ten (10) days of notice, it shall be deemed to be a failure on

the posted security, and the city of Blue Ridge shall have the right to make the necessary repairs, either by public work or by private contract, and the surety, cash deposit and/or escrow account aforesaid shall be liable for the full amount of the cost of said repairs. The ten (10) percent security does not indemnify the developer from those costs exceeding the ten (10) percent security during the one (1) year maintenance period.

5.10-4 Release of Security. At the end of the one year period of time, the developer may formally petition the Governing Authority to release the maintenance security. If the condition of the improvements are acceptable to the city of Blue Ridge, at that time, dedication will be accepted and the maintenance security will be released.

Article 6 -- Conservation Design Subdivisions

6.1 Purpose. It is the purpose of this Article to provide flexibility in ensuring preservation of open space within a master-planned residential development. A conservation subdivision design preserves open space while maintaining the pro-rated density of residential units for the overall site area. *Neutral density* is achieved by allowing smaller individually-owned residential lots in neighborhoods that are surrounded by aesthetically and ecologically important areas. *The goal of the design process is to identify and set aside conservation open space areas prior to the delineation of transportation and residential pod layouts.* Open space areas may include wetlands, river buffer zones, woodlands, playing fields, steep slopes, and meadows, depending on the resources of the land.

6.1-1 The intent of the conservation design subdivision regulations is to:

- (a) Preserve significant areas of land for ecological, recreational, and agricultural purposes in perpetuity;
- (b) Encourage more efficient development of land consistent with public health, safety, and general welfare;
- (c) Afford greater flexibility of design and placement of buildings and structures;
- (d) Preserve and protect exceptional terrain, natural beauty, or sites of historic interest from inconsequential placement of homes, roadways, utilities and appurtenances;
- (e) Preserve all the streams and tributaries in the city of Blue Ridge as natural resources;
- (f) Minimize flooding, erosion, and water pollution, and protect the quality and quantity of drinking water;
- (g) Preserve wetlands, aquifers, topographical or soil features, wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation and wildlife; and
- (h) Promote a less sprawling form of development.

6.2 Procedure. Conservation design subdivisions are allowed as a permitted right in accordance with the requirements set forth in Article 6 of the *Subdivision Regulations of the City of Blue Ridge, Georgia*. Also, conservation design subdivisions are allowed as an option in all residential zoning districts, except R-3, subject to modification of the standing residential zoning requirements of that zone district and the approval of site plans/plats complying with the intent of conservation design subdivisions and the platting requirements.

6.3 Housing Density Determination. The number of applicable lots or dwelling units created shall be density neutral. Density neutral is defined as maintaining the number of lots or dwelling units so as not to exceed the number that can be created with the conventional

minimum area and width as established in the *Subdivision Regulations of the City of Blue Ridge, Georgia* and the *Blue Ridge Zoning Ordinance*.

6.3-1 Number of Lots. The maximum number of lots in the Conservation Design Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

(a) *Calculation:* The maximum number of lots or dwelling units, as applicable, is determined by dividing the area of the tract of land by the minimum lot size as determined by the Fannin County Health Department (if individual sewage disposal systems are needed) or, if sewer is available, by the minimum lot size allowed in the residential zone district where such subdivision is proposed. In making this calculation, the following shall not be included in the total area of the parcel:

- (1) Slopes forty-five (45) percent or greater with at least 5,000 square feet of contiguous area.
- (2) The 100-year floodplain.
- (3) Bodies of open water with over 5,000 square feet of contiguous area.
- (4) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

(b) *Yield Plan:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of functional lots possible. The plan or plat does not have to meet formal requirements for a site design plan or plat, but the design must be capable of being constructed given site features and all applicable regulations for streets (ie. grade), etc.

6.4 Open Space.

6.4-1 Definition. Open space is the portion of the conservation subdivision that is set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument (see Sections 6.4-6 and 6.4-7).

6.4-2 Standards to Determine Open Space.

- (a) The minimum restricted open space shall comprise at least forty (40) percent of the gross tract area.
- (b) The following are considered Primary Conservation Areas and are required for inclusion within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

- (1) The 100-year floodplain;
 - (2) Riparian zones at least seventy-five (75) feet wide, along all perennial and intermittent streams;
 - (3) Slopes forty-five (45) percent or greater with at least 5,000 square feet of contiguous area;
 - (4) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - (5) Populations of endangered or threatened species, or habitat for such species; and
 - (6) Archaeological sites, cemeteries and burial grounds.
- (c) The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
- (1) Important historic sites;
 - (2) Existing healthy, native forests with a contiguous area of at least one (1) acre;
 - (3) Individual existing healthy trees greater than eight (8) inches caliper, as measured five (5) feet high from ground level on the bole of the tree (diameter breast high);
 - (4) Other significant natural features and scenic view sheds such as ridgelines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - (5) Prime agricultural lands with at least five (5) acres of contiguous area; and
 - (6) Existing trails that connect the tract to neighboring areas.
- (d) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space, but cannot be counted towards the forty (40) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
- (e) At least twenty-five (25) percent of the open space shall consist of land that is suitable for building.
- (f) At least seventy-five (75) percent of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space,

other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(g) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

6.4-3 Permitted Uses of Open Space. Uses of open space may include the following.

- (a) Conservation of natural, archeological or historical resources;
- (b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (c) Walking or bicycle trails, provided they are constructed of porous paving materials;
- (d) Passive recreation areas, such as open fields;
- (e) Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
- (f) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (g) Landscaped storm water management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- (h) Easements for drainage, access, and underground utility lines; or
- (i) Other conservation-oriented uses compatible with the purposes of this ordinance.

6.4-4 Prohibited uses of Open Space.

- (a) Golf courses;
- (b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (c) Agricultural and forestry activities not conducted according to accepted Best Management Practices;

- (d) Impoundments; or
- (e) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

6.4-5 Disposition and Preservation of Open Space. Open space land shall be preserved and maintained solely for the purposes specified in Section 6-1. The method for effectuating such preservation and maintenance may be one or more of the following:

(a) Establishment of a mandatory Home Owners Association (HOA) to own and maintain the land in common for the open space purposes intended according to the following provisions (See suggestions for the HOA in Appendix B-I):

- (1) Prior to Final Plat approval, developers desiring to build a conservation design subdivision will create and submit minimum requirements and structure for the HOA before the first lot is sold;
- (2) The HOA will maintain, pay taxes, and own the open space. [In some communities the local government may agree to maintain the open space; see item (b) below.];
- (3) Membership in the HOA is mandatory for all homeowners, and dues are uniform; and
- (4) The HOA, by law, will stipulate that a third party, such as the local government, may enforce the maintenance of the open space through legally enforceable liens.

(b) Dedication of legally described and platted “open space” to the city of Blue Ridge or the Fannin County Recreation Department through the office of the Fannin County Commissioners.

(c) Dedication of legally described and platted “open space” to a Land Trust established in compliance with the requirements of Georgia law and shall be for conservation purposes. [In lieu of ownership, a binding conservation easement to the applicable Land Trust can also be declared across the conservation lands.]

6.4-6 Open Space Ownership and Maintenance. The approval of such subdivision shall require the owner or owners of open space land to execute, acknowledge, and file in the land records of Fannin County, including documents and maps which effectively create a conservation easement or other legal conveyance approved by the city of Blue Ridge or Fannin County or their designee. These records (see legal considerations in Section 6.4-7 and suggestions for open space in Appendix B-I):

- (a) Will be binding on all future owners of the open space land;

- (b) May be enforced by the adjoining property owners, the City of Blue Ridge, Fannin County, or a land trust by appropriate court action for equitable relief in the form of an injunction;
- (c) Will assure appropriate maintenance, by the homeowners' association or as otherwise herein provided, of open space land to the satisfaction of the City of Blue Ridge;
- (d) Will provide that if maintenance, preservation, and/or use of the open space land no longer complies with the provisions of the easement, the City of Blue Ridge may take all necessary action to effect compliance and assess the costs against the owners in default; and
- (e) Will provide that such easement may not be modified, altered, or amended.

6.4-7 Legal Instrument for Permanent Protection.

- (a) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - (1) A permanent conservation easement in favor of either:
 - (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
 - (2) If the entity accepting the easement is not the City of Blue Ridge, then a third right of enforcement favoring the City of Blue Ridge shall be included in the easement.
 - (3) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - (4) An equivalent legal tool that provides permanent protection, if approved by the City of Blue Ridge.
- (b) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions and permitted uses contained in Sections 6.4-3 and 6.4-4, as well as any further restrictions the applicant chooses to place on the use of the open space.

6.4-8 Septic Systems, Wells, and Storm Water Management Systems. Easements will allow designated open space to be used for community sewer system drip lines or individual septic system secondary drain lines, wells, and storm water management structures designed to promote on-site infiltration and/or treatment of runoff.

6.4-9 Significant Structures. Structures of historic, architectural, or cultural significance existing prior to development of the subdivision may be retained within the open space.

6.5 Road Specifications. Design standards for road construction in a Conservation Design Subdivision shall be generally consistent with those set forth in the Blue Ridge Infrastructure Specifications, however, the flexible standards list in Appendix B-II shall also be available as options if the street system is to remain private. (Even as private streets, the requirements for street base and all storm water drainage mechanisms shall comply with the requirements of Blue Ridge, and public safety and emergency access issues remain valid.)

Private streets, constructed using the flexible standards addressed in Appendix B-II, are not eligible for future dedication to the city of Blue Ridge unless such roads are improved to comply with all specifications of the city of Blue Ridge.

6.5-1 Road Locations.

- (a) Roads should be located in a way that minimizes adverse impacts to Primary and Secondary Conservation Areas.
- (b) To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen (15) percent shall be strongly discouraged.
- (c) Permanent turn-arounds employing a “T,” “Y,” or half-circle designs are available alternatives if deemed necessary to minimize effects on terrain.
- (d) Alleys, otherwise available only as a secondary access to one or two-family residential developments [Section 5.6-9 (d)], are available for primary access in a Conservation Design Subdivision due to terrain or overall design considerations.

6.6 Locations of Building Sites. As long as the number of buildings meet the density neutral criterion set in Section 6.3 it is intended that developers are given flexibility on building locations based on environmental factors and the types of developments the market will bear.

6.6-1 Building location considerations. The Blue Ridge Municipal Planning Commission shall evaluate the appropriateness of proposed building locations on conceptual Preliminary Site Plans and Plats to determine whether the proposed locations satisfy considerations listed in Appendix B-III.

6.6-2 Generally, a minimum distance of one-hundred (100) feet shall separate building sites from Primary Conservation Areas.

- 6.6-3** Building sites can be located within fifty (50) feet of Secondary Conversation Areas in order to take advantage of views without negatively impacting Primary Conservation Areas.
- 6.6-4** Building “footprint” locations may not be changed more than fifty (50) feet from Preliminary Plat to Final Plat without the approval of the Blue Ridge Planning Officer.
- 6.6-5.** Decisions by the Blue Ridge Municipal Planning Commission and/or the Blue Ridge Planning Officer as to the locations of building sites may be appealed to the Blue Ridge City Council by the property owner and/or subdivider pursuant to the appeal procedure contained in Article 7 of this ordinance. This appeal process is also applicable to all other decisions by the Blue Ridge Planning Commission regarding a proposed conservation design subdivision under Article 6 and following the appeal procedure contained within Article 7 of this ordinance.

Article 7 – Appeals

7.1. Appeals. The City Council of the City of Blue Ridge, Georgia shall hear and decide appeals where it is alleged by the property owner and/or subdivider that there is an error in any decision, determination, requirement, denial, or refusal by the Planning Commission or the Planning Officer, or both, as to the administration or enforcement of any provision of the subdivision ordinance. Such appeals shall be in accordance with the following:

- a.** An appeal to the City Council of the City of Blue Ridge, Georgia may be taken by the property owner and/or subdivider affected by any decision, determination, or denial by the Planning Commission or the Planning Officer, or both, with respect to this Subdivision Ordinance. Such appeal shall be made within ten (10) days following notification of the decision appealed from, by filing with the Planning Officer or City Clerk, or both, a notice of appeal and specifying the grounds thereof. The Planning Officer or City Clerk, or both, shall forthwith transmit to the City Council of the City of Blue Ridge, Georgia all the papers constituting the record upon which the action appealed from was taken.
- b.** An appeal stays all legal proceedings in furtherance of the action appealed from unless the Planning Officer certifies to the City Council of the City of Blue Ridge, Georgia, after the notice of appeal should have been filed, that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.
- c.** Upon receipt of the notice of appeal and the record thereof, the City Council of the City of Blue Ridge, Georgia, shall hold a hearing as to the matter appealed from, and said hearing shall be held within 60 days of the notice of appeal. The property owner and/or subdivider shall receive written notice of the date and time of the hearing before the City Council. The property owner and/or subdivider shall have the right to have legal representation at the hearing and shall be entitled to present evidence on the appeal matters to the City Council any time during the 60 day period or within the hearing.
- d.** The City Council may reverse or affirm, wholly or partly, or may modify any decision, determination, requirement or denial by the Planning Commission and/or Planning Officer that is the subject to the appeal, and to that end shall have the full and complete authority to make all determinations required by the subdivision ordinance. It shall be the duty of the Planning Officer to carry out the decisions of the City Council. The decision of the City Council shall be made subsequent to the public hearing and shall be confirmed in writing to the property owner and/or subdivider by letter from the City Clerk. The City Council shall have the right to make its decision on the same date as the appeal hearing. The action by the City Council shall be the final action of the City of Blue Ridge as to matters arising under the Subdivision Ordinance of the City of Blue Ridge.

--APPENDIX--

APPENDIX A
FEE SCHEDULE

Major Subdivision (includes preliminary and final plat)	\$100 + \$2.00 per lot
Minor Subdivision (final plat only)	\$ 30 + \$1.00 per lot

(Note: the above fees include the amount necessary to record the plat in the Office of the Superior Court Clerk of Fannin County.)

Appendix B-I

Suggestions for the Home Owners Association (HOA)

- At least one member of the HOA should receive training in wildlife habitat conservation, enhancement, and maintenance.
- Each homeowner should be given site-specific information about indigenous habitat and diversity of species.
- The HOA should develop a long-term conservation plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.

Appendix B-II

Suggestions for Open Space:

- A minimum of ten (10) percent and a maximum of fifty (50) percent should be used for active recreation, such as playing fields or amenity centers (swim/tennis).
- Open space in one development should be linked to open space in adjoining developments to create the largest, continuous area of open space possible.

Suggestions for Streets:

- Minimize the number of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible; the importance of environmental areas and the connections between them are important in conservation design subdivisions, and shall be considered in determining whether street interconnections are possible.
- For cul-de-sac streets, minimize the amount of impervious surface by limiting the internal turning radius to twenty (20) feet and the width of the paved lane to sixteen (16) feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the entire area. In the neighborhood Bylaws, declare the HOA responsible for the maintenance of the grassy area.
- Vegetated swales are encouraged in a conservation subdivision plan as an alternative to curb and gutter. Omit curbs wherever possible. This allows runoff from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant material that will absorb rainwater and act as a natural filter for oil and pollution.
- Utilize permeable pavement for street surfaces, driveways, sidewalks, and pedestrian and bike paths, except where steep slopes, swelling soils, and other site-specific constraints make it unfeasible. Examples of permeable pavement used in neighborhood developments include permeable crushed stone aggregate, open-celled pavers, porous asphalt, and porous concrete. Wooden decks, paving stones, and wood mulch are recommended for pedestrian areas.
- Provide marked, paved paths for non-vehicular traffic within the development and connecting to neighboring residential and commercial areas.

Appendix B-III

Evaluation Criteria for Building Site Locations

In evaluating the layout of lots and open space, the following criteria will be considered by the Blue Ridge Municipal Planning Commission as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Blue Ridge Municipal Planning Commission shall evaluate proposals to determine whether the proposed conceptual Preliminary Plan:

1. **Protects and preserves all floodplains, wetlands, and steep slopes** from clearing, grading, filling, or construction (except as may be approved by the City for essential infrastructure or active or passive recreation amenities).
2. **Preserves and maintain mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas** to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands, which raise an equal or greater preservation concern, as described in #5 and #8 below. The second involves predominantly agricultural areas, where remnant trees groups provide the only natural areas for wildlife habitat.
3. **If development must be located on open fields or pastures because of greater constraints in all other parts of the site**, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development is visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby roadside verge or hedgerow).
4. **Maintains or creates an upland buffer** of natural native species vegetation of at least one-hundred (100) feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
5. **Designs around existing hedgerows and tree lines between fields or meadows, minimizing impacts on large woodlands** (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than ten (10) percent should be avoided, where possible. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
6. **Leaves scenic views and vistas unblocked or uninterrupted**, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is

recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

7. **Avoids sitting new construction on prominent hilltops or ridges**, by taking advantage of lower topographic features.

8. **Protects wildlife habitat areas** of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Georgia Department of Natural Resources, *Georgia Protected Species Updated List*.

9. **Designs around and preserves sites of historic, archaeological or cultural value**, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.

10. **Protects rural roadside character** and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stonewalls, hedgerows, etc.

11. **Landscapes common areas** (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value. Planted trees along roadways shall be spaced at intervals so that the neighborhood will have a stately and traditional appearance when they grow and mature. Such trees shall generally be located between the sidewalk or footpath and the edge of the street, within a planting strip not less than five (5) feet in width.

12. **Provides active recreational areas** in suitable locations offering convenient access by residents, and adequately screened from nearby house lots.

13. **Includes a pedestrian circulation system** designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

14. **Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the *Design and Management Handbook for Preservation Areas*, produced by the Natural Lands Trust.** For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger contiguous and integrated greenway systems, as per the policies in the *2025 Joint Comprehensive Plan For Fannin County and the Cities of Blue Ridge, McCaysville, and Morganton*, as amended.

Appendix C Amendment Records

Date

Summary

March 13, 2007

Definitions added; multiple amendments to Articles 4 and 5 Dealing with conservation design subdivisions; then added Article 6 specifically for Conservation Design Subdivisions, plus Appendices A, B-I B-II, and B-III; Appendix C was initiated only for record-keeping.

October 12, 2007

To amend the various sections of the ordinance to provide a right of appeal by the property owner and/or subdivider from the decisions of the Blue Ridge Planning Commission to the city council of the City of Blue Ridge, Georgia; to further amend the ordinance to provide a new article 7 which shall set out the procedure as to an appeal of the decision of the Planning Commission to the city council of the City of Blue Ridge, Georgia

